



Corridor Program

Congestion Relief & Bus Rapid Transit Projects

APPENDIX P2

Section 402 NPDES Construction General Permit- Clean Water Act

I-405, SR520 to SR522 Stage 1 (Kirkland Stage 1)

Request For Proposal
July 15, 2005



**Washington State
Department of Transportation**

RECEIVED

APR 11 2005

PERMITS OFFICE

Project



STATE OF WASHINGTON

DEPARTMENT OF ECOLOGY

PO Box 47600 • Olympia, WA 98504-7600 • 360-407-6000
TTY 711 or 800-833-6388 (For the Speech or Hearing Impaired)

April 5, 2005

Ms. Kimberly Farley
WA State Dept. of Transportation
600 - 108th Avenue NE, Suite 405
Bellevue, WA 98004

RECEIVED
APR 08 2005
URBAN CORRIDOR
I-405 Project

Dear Ms. Farley:

RE: Coverage under the Stormwater General Permit for Construction Activity

Permit Number: **SO3-006100**

Site Name: I-405, SR 520 to SR 522

Location: I-405 corridor between SR 520 & SR 522
Kirkland, WA King County

Receiving Water: Forbes Creek, Yarrow Creek, Juanita Creek several
un-named tributaries, Lake Washington & several wetlands

The Washington Department of Ecology has reviewed your application for coverage under the stormwater general permit for construction activity for the above 395-acre project, in which 80-acres will be disturbed. We are granting coverage under the permit as of April 5, 2005. **Retain this letter with your permit. It is the official record of permit coverage for your site.**

Note the permit number assigned for the above project and refer to the permit number on any future correspondence with Ecology. Examples of the types of correspondence may include:

- Identification of a new 24-hour contact person for the project;
- Request for a modification of permit coverage for additional acreage;
- Submission of a termination request form to cancel the permit and associated fees when the site has been stabilized.

Please read the enclosed permit carefully. As a permittee, you are legally obligated to comply with its terms and conditions. A fact sheet explaining the permit development process and legal and technical justification for permit conditions is available from Ecology's web site (<http://www.ecy.wa.gov/programs/wq/stormwater/construction/>) or by phone request (360- 407-7156).



Stormwater Pollution Prevention Plan

An important requirement of the general permit is the development, implementation, and maintenance (revision) of a Stormwater Pollution Prevention Plan (SWPPP) for the duration of the project. The purpose of the SWPPP is to reduce, eliminate, and prevent the pollution of stormwater through the application of Best Management Practices. Plan requirements are given in Special Condition S9 of the permit. You are required to implement the SWPPP as the first step when starting construction. Failure to prepare and implement an adequate SWPPP could result in violation of state and federal laws and regulations. The permit also requires you to retain the SWPPP on or near your project and to make it available upon request by Ecology or local government inspectors.

Permit Fees

State law (RCW 90.48.465) requires that all permittees pay an annual permit fee. The initial fee will be prorated to the nearest quarter of the fiscal year. Permit fees are calculated based on the total number of disturbed acres for the entire project. The fees will not be adjusted downward as construction phases become complete. If new areas are added that adjoin the permitted site, the fees will be adjusted upward.

If you would like more information on the fee process, please contact Bev Poston, Fee Administrator, Department of Ecology at (360) 407-6425.

General Permit Renewal

NOTE: The enclosed general stormwater permit has an expiration date of November 18, 2005. The permit (General Condition G15) stipulates that all current permit holders are required to reapply for coverage at least 180 days prior to the expiration date of the permit. Ecology is waiving the requirement to reapply because the expiration date of the General Permit is rapidly approaching. Once the re-issued general stormwater permit associated with construction activity goes into effect, you will automatically receive permit coverage. A copy of the new permit will be mailed to you.

Appeal

You, or a third party, may appeal Ecology's decision to issue a general stormwater permit for your site. The appeal is limited to the general permit's applicability or non-applicability to your project, not the permit itself. An appeal may be filed with the Pollution Control Hearings Board (PCHB) within 30 days of receipt of your permit. Enclosed is a copy of RCW 43.21B.310 that lists the procedures and requirements for the appeal process. In addition, a copy of the appeal must be served on the Department of Ecology. Addresses for the PCHB and Ecology follow.

Pollution Control Hearings Board
P.O. Box 40903
Olympia, WA 98504-0903

Washington State Department of Ecology
Construction Stormwater Unit
Water Quality Program
P.O. Box 47696
Olympia, WA 98504-7696

Ms. Kimberly Farley
April 5, 2005
Page 3 of 3

Notice of Termination

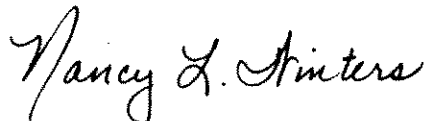
After your site has undergone final stabilization, please submit a Notice of Termination request form (located in the back of the permit). Final stabilization is defined in the permit as "no bare soils remaining, the landscaping is well established, paving is complete, all temporary sediment and erosion and control devices have been removed, and all stormwater discharges associated with construction activities have been eliminated." Permit fees continue until Ecology receives the completed termination form. Fee refunds will be prorated to the fiscal year quarter and ending balances greater than one hundred dollars (\$100) will be refunded.

Ecology Regional Assistance

If you have questions regarding stormwater discharges for your construction site, contact Christopher Dew (425-649-7223) of Ecology's Northwest Regional Office in Bellevue.

If you have questions regarding this letter, please call Linda Matlock at (360) 407-6437.

Sincerely,



Nancy L. Winters, Section Manager
Program Development Services Section
Water Quality Program

Enclosures: Permit and RCW

cc: Bev Poston, Ecology Permit Fee Unit, HQ
Stormwater File, HQ
Chris Dew, Ecology, NWRO
Tricia Miller, Ecology NWRO Records
Bob Penhale, Ecology, NWRO

Issuance Date: October 4, 2000
Effective Date: November 18, 2000
Expiration Date: November 18, 2005


NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM AND STATE
WASTE DISCHARGE GENERAL PERMIT FOR
STORMWATER DISCHARGES ASSOCIATED WITH

CONSTRUCTION ACTIVITIES

State of Washington
DEPARTMENT OF ECOLOGY
Olympia, Washington 98504-7696

In compliance with the provisions of
The State of Washington Water Pollution Control Law
Chapter 90.48 Revised Code of Washington
and
The Federal Water Pollution Control Act
(The Clean Water Act)
Title 33 United States Code, Section 1251 et seq.

Until this permit expires, is modified or revoked, permittees that have properly obtained coverage under this permit are authorized to discharge to waters of the state in accordance with the special and general conditions which follow.


Megan White, P.E., Manager
Water Quality Program
Department of Ecology

Chapter 43.21B RCW

ENVIRONMENTAL HEARINGS OFFICE POLLUTION CONTROL HEARINGS BOARD OF THE STATE

RCW 43.21B.310 Appeal of orders, permits and licenses. (1) Any order issued by the department or authority pursuant to RCW 70.94.211, 70.94.332, 70.105.095, 43.27A.190, 86.16.020, or 90.48.120(2) or any provision enacted after July 26, 1987, or any permit, certificate, or license issued by the department may be appealed to the pollution control hearings board if the appeal is filed with the board and served on the department or authority within thirty days after receipt of the order. Except as provided under chapter 70.105D RCW, this is the exclusive means of appeal of such an order.

(2) The department or the authority in its discretion may stay the effectiveness of an order during the pendency of such an appeal.

(3) At any time during the pendency of an appeal of such an order to the board, the appellant may apply pursuant to RCW 43.21B.320 to the hearings board for a stay of the order or for the removal thereof.

(4) Any appeal must contain the following in accordance with the rules of the hearings board:

- (a) The appellant's name and address;
- (b) The date and docket number of the order, permit, or license appealed;
- (c) A description of the substance of the order, permit, or license that is the subject of the appeal;
- (d) A clear, separate, and concise statement of every error alleged to have been committed;
- (e) A clear and concise statement of facts upon which the requester relies to sustain his or her statements of error; and
- (f) A statement setting forth the relief sought.

(5) Upon failure to comply with any final order of the department, the attorney general, on request of the department, may bring an action in the superior court of the county where the violation occurred or the potential violation is about to occur to obtain such relief as necessary, including injunctive relief, to insure compliance with the order. The air authorities may bring similar actions to enforce their orders.

(6) An appealable decision or order shall be identified as such and shall contain a conspicuous notice to the recipient that it may be appealed only by filing an appeal with the hearings board and serving it on the department within thirty days of receipt. [1989 c 2 § 14 (Initiative Measure No. 97, approved November 8, 1988); (1987 3rd ex.s. c 2 § 49. Repealed by 1989 c 2 § 24, effective March 1, 1989); 1987 c 109 § 6.]

Short title—Construction—Existing agreements—Effective date—Severability—1989 c 2: See RCW 70.105D.900 and 70.105D.910 through 70.105D.921, respectively.

Purpose—Short title—Construction—Rules—Severability—Captions—1987 c 109: See notes following RCW 43.21B.001.

If you need additional guidance on the appeal process, please contact the Appeals Board in Olympia at 360.459.6327.

Ecology Regional Offices
Water Quality Stormwater Construction Permit Managers

Refer to the Ecology staff names and counties outlined below for assistance in answering questions to the following type of questions:

- ☒ What technique to use for stormwater runoff from your site;
- ☒ For assistance determining whether your stormwater pollution prevention plan (SWPPP) is adequate;
- ☒ What type of source control to use for stormwater; or
- ☒ Whether or not your permit may be terminated.

Inspector	Phone	Email	Counties
Northwest Regional Office - Bellevue			
Ken Fukutomi	425.649.7167	kfuk461@ecy.wa.gov	Kitsap, Snohomish
Christopher Dew	425.649.7223	cdew461@ecy.wa.gov	Island, King, San Juan, Skagit
Bellingham Field Office			
Andrew Craig	360.676.2217	acra461@ecy.wa.gov	Whatcom
Southwest Regional Office - Lacey			
Janet Boyd	360.407.0245	jbod461@ecy.wa.gov	Grays Harbor, Lewis, Pacific
Betsy Dickes	360.407.6294	bedi461@ecy.wa.gov	Clallam, Jefferson, Mason, Thurston
Margaret Hill	360.407.0246	mhil461@ecy.wa.gov	Pierce
Vancouver Field Office			
Deborah Cornett	360.407.7269	dcor461@ecy.wa.gov	Clark, Cowlitz, Skamania, Wahkiakum
Eastern Regional Office - Spokane			
David Duncan	509.329.3554	ddun461@ecy.wa.gov	Adams, Asotin, Columbia, Ferry, Franklin, Garfield, Grant, Lincoln, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman
Central Regional Office - Yakima			
Ray Latham	509.575.2807	rlat461@ecy.wa.gov	Benton, Chelan, Douglas, Kittitas, Klickitat, Okanogan, Yakima

- ☒ Currently, stormwater sampling is not required for Ecology's general stormwater permits. In order to have a more effective stormwater prevention plan (SWPPP), you may choose to identify pollutants discharging from your site that need treatment and control.

Linda Matlock	360.407.6437	lmat461@ecy.wa.gov	For assistance with Notice of Intent (NOI) applications, record keeping, change of information, transfer of ownership, terminating permit, general best management practices for stormwater.
Bev Poston	360.407.6425	bpos461@ecy.wa.gov	Contact person for fee billing statements, current status of fee account, balance owed, and delinquent accounts.

Table of Contents

	<u>Page</u>
Definitions.....	1
Acronyms.....	5
Introduction.....	6
Special Conditions	6
S1. Application for Coverage.....	6
S2. Permit Coverage.....	7
S3. Authorized Discharges.....	8
S4. Discharge Prohibitions.....	8
S5. Compliance with Standards	9
S6. Sampling and Analysis	9
S7. Permit Fees.....	10
S8. Solid and Liquid Waste Disposal.....	10
S9. Stormwater Pollution Prevention Plan (SWPPP) for Construction Activities	10
S10. Notice of Termination (NOT).....	14
General Conditions	15

Also included in the back of this booklet:

- Instructions - Notice of Intent for Construction Activity
- Notice of Intent for Construction Activity
- Notice of Termination for Construction Activity

Definitions

Best Management Practices (BMPs - general definition). Schedules of activities, prohibitions of practices, maintenance procedures, and other physical, structural and/or managerial practices to prevent or reduce the pollution of waters of the state. BMPs include treatment systems, operating procedures, and practices to control: plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage. In this permit BMPs are further categorized as operational, source control, erosion and sediment control, and treatment BMPs.

Bypass. The diversion of waste streams from any portion of a treatment facility.

Clean Water Act (CWA). The Federal Water Pollution Control Act enacted by Public Law 92-500, as amended by Public Laws 95-217, 95-576, 96-483, and 97-117; USC 1251 et seq.

Combined Sewer. A sewer which has been designed to serve as a sanitary sewer and a storm sewer, and into which inflow is allowed by local ordinance.

Constructed Wetland. Wetlands intentionally created, on sites that are not natural wetlands, for the primary purpose of wastewater or stormwater treatment and managed as such. Constructed wetlands are normally considered as part of the stormwater collection and treatment system.

Construction Activity. Clearing, grading, excavation and any other activity which disturbs the surface of the land. Such activities may include road building, construction of residential houses, office buildings, or industrial buildings, and demolition activity.

Construction Dewatering. The act of pumping ground water or stormwater away from an active construction site.

Detention. The temporary storage of stormwater to improve quality and/or to reduce the mass flow rate of discharge.

Director. The Director of the Washington Department of Ecology or his/her authorized representative.

Discharger. An owner or operator of any facility or activity subject to regulation under Chapter 90.48 RCW or the Federal Clean Water Act.

Domestic Wastewater. Water carrying human wastes, including kitchen, bath, and laundry wastes from residences, buildings, industrial establishments, or other places, together with such ground water infiltration or surface waters as may be present.

Ecology. Washington Department of Ecology.

Equivalent BMPs. Operational, source control, treatment, or innovative BMPs which result in equal or better quality of stormwater discharge to surface water or to ground water than BMPs selected from the SWMM.

Equivalent Stormwater Management Manual. A manual that has been deemed by Ecology as being equivalent to the SWMM.

Erosion. The wearing away of the land surface by running water, wind, ice, or other geological agents, including such processes as gravitational creep.

Erosion and Sediment Control BMPs. BMPs that are intended to prevent erosion and sedimentation, such as preserving natural vegetation, seeding, mulching and matting, plastic covering, filter fences, and sediment traps and ponds. Erosion and sediment control BMPs are synonymous with stabilization and structural BMPs.

Erosion and Sediment Control Plan. A document which describes the potential for erosion and sedimentation problems, and explains and illustrates the measures which are to be taken to control those problems.

Final Stabilization. The completion of all soil disturbing activities at the site and the establishment of a permanent vegetative cover, or equivalent permanent stabilization measures (such as riprap, gabions or geotextiles) which will prevent erosion.

"40 CFR". Title 40 of the Code of Federal Regulations, which is the codification of the general and permanent rules published in the Federal Register by the executive departments and agencies of the federal government.

General Permit. A permit which covers multiple dischargers of a point source category within a designated geographical area, in lieu of individual permits being issued to each discharger.

Ground Water. Water in a saturated zone or stratum beneath the land surface or a surface water body.

Illicit discharge. Any discharge that is not composed entirely of stormwater except discharges authorized under a separate NPDES permit and discharges resulting from fire fighting activities.

Leachate. Water or other liquid that has percolated through raw material, product or waste and contains substances in solution or suspension as a result of the contact with these materials.

Local Government. Any county, city, or town having its own government for local affairs.

Municipality. A political unit such as a city, town or county; incorporated for local self-government.

Municipal Entity. Incorporated cities and counties (municipalities) as well as service districts such as school districts, sanitary sewer districts, flood control districts, fire districts, port districts and unincorporated towns and townships.

National Pollutant Discharge Elimination System (NPDES). The national program for issuing, modifying, revoking, and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements, under sections 307, 402, 318, and 405 of the Federal Clean Water Act, for the discharge of pollutants to surface waters of the state from point sources. These permits are referred to as NPDES permits and, in Washington State, are administered by the Washington Department of Ecology.

Notice of Intent (NOI). The application for, or a request for coverage under this General Permit pursuant to WAC 173-226-200.

Notice of Termination (NOT). A request for termination of coverage under this general permit as specified by Special Condition S10 of this permit.

Point Source. Any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure and container from which pollutants are or may be discharged to surface waters of the state. This term does not include return flows from irrigated agriculture. (See Fact Sheet for further explanation.)

Pollutant. The discharge of any of the following to waters of the state: dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, domestic sewage sludge (biosolids), munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste. This term does not include sewage from vessels within the meaning of section 312 of the FWPCA, nor does it include dredged or fill material discharged in accordance with a permit issued under section 404 of the FWPCA.

Pollution. Contamination or other alteration of the physical, chemical, or biological properties of waters of the state; including change in temperature, taste, color, turbidity, or odor of the waters; or such discharge of any liquid, gaseous, solid, radioactive or other substance into any waters of the state as will or is likely to create a nuisance or render such waters harmful, detrimental or injurious to the public health, safety or welfare; or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses; or to livestock, wild animals, birds, fish or other aquatic life.

Process Wastewater. Any water which, during manufacturing or processing, comes into direct contact or results from the production or use of any raw material, intermediate product, finished product, byproduct, or waste product.

Puget Sound Basin. The Puget Sound south of Admiralty Inlet (including Hood Canal and Saratoga Passage); the waters north to the Canadian border, including portions of the Strait of Georgia; the Strait of Juan de Fuca south of the Canadian border; and all the lands draining into these waters as mapped in Water Resources Inventory Areas numbers 1 through 19, set forth in WAC 173-500-040.

Sanitary Sewer. A sewer which is designed to convey domestic wastewater.

Sediment. The fragmented material that originates from the weathering and erosion of rocks or unconsolidated deposits, and is transported by, suspended in, or deposited by water.

Sedimentation. The depositing or formation of sediment.

SEPA (State Environmental Policy Act). The Washington State Law, RCW 43.21C.020, intended to prevent or eliminate damage to the environment.

Severe Property Damage. Substantial physical damage to property, damage to the treatment facilities which would cause them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

Significant Amount. An amount of a pollutant in a discharge that is amenable to available and reasonable methods of prevention or treatment; or an amount of a pollutant that has a reasonable potential to cause a violation of surface or ground water quality or sediment management standards.

Significant Contributor of Pollutant(s). A facility determined by Ecology to be a contributor of a significant amount(s) of a pollutant(s) to waters of the state of Washington.

Significant Materials. Includes, but is not limited to: raw materials; fuels; materials such as solvents, detergents, and plastic pellets; finished materials such as metallic products; raw materials used in food processing or production; hazardous substances designated under section 101(14) of CERCLA; any chemical the facility is required to report pursuant to section 313 of title III of SARA; fertilizers; pesticides; and waste products such as ashes, slag and sludge that have the potential to be released with stormwater discharges.

Site. The land or water area where any "facility or activity" is physically located or conducted.

Source Control BMPs. Physical, structural or mechanical devices or facilities that are intended to prevent pollutants from entering stormwater. A few examples of source control BMPs are erosion control practices, maintenance of stormwater facilities, constructing roofs over storage and working areas, and directing wash water and similar discharges to the sanitary sewer or a dead end sump.

Stabilization. The application of appropriate BMPs to prevent the erosion of soils, such as, temporary and permanent seeding, vegetative covers, mulching and matting, plastic covering and sodding. See also the definition of Erosion and Sediment Control BMPs.

Storm Sewer. A sewer that is designed to carry stormwater. Also called a storm drain.

Stormwater. Rainfall and snow melt runoff.

Stormwater Drainage System. Constructed and natural features which function together as a system to collect, convey, channel, hold, inhibit, retain, detain, infiltrate or divert stormwater.

Stormwater Management Manual for the Puget Sound Basin (SWMM) or Manual. The technical manual prepared by Ecology for use by local governments and published in 1992, or statewide revisions when they become available, that contain descriptions of and design criteria for BMPs to prevent, control, or treat pollutants in stormwater.

Stormwater Pollution Prevention Plan (SWPPP). A documented plan to implement measures to identify, prevent, and control the contamination of point source discharges of stormwater.

Surface Waters of the State. Includes lakes, rivers, ponds, streams, inland waters, salt waters, and all other surface waters and water courses within the jurisdiction of the state of Washington.

Treatment BMPs. BMPs that are intended to remove pollutants from stormwater. A few examples of treatment BMPs are detention ponds, oil/water separators, biofiltration, and constructed wetlands.

USEPA. The United States Environmental Protection Agency.

Water Quality. The chemical, physical, and biological characteristics of water, usually with respect to its suitability for a particular purpose.

Waters of the State. Includes those waters as defined as "waters of the United States" in 40 CFR Subpart 122.2 within the geographic boundaries of Washington State and "waters of the state" as defined in Chapter 90.48 RCW which include lakes, rivers, ponds, streams, inland waters, underground waters, salt waters and all other surface waters and water courses within the jurisdiction of the state of Washington.

Acronyms

BMP	Best Management Practice
CERCLA	Comprehensive Environmental Response Compensation & Liability Act
CFR	Code of Federal Regulations
CWA	Clean Water Act
EPA	Environmental Protection Agency
ESC	Erosion and Sediment Control
FWPCA	Federal Water Pollution Control Act
NOI	Notice of Intent
NOT	Notice of Termination
NPDES	National Pollutant Discharge Elimination System
RCRA	Resource Conservation and Recovery Act
RCW	Revised Code of Washington
SEPA	State Environmental Policy Act
SWMM	Stormwater Management Manual for the Puget Sound Basin
SWPPP	Stormwater Pollution Prevention Plan
USC	United States Code
USEPA	United States Environmental Protection Agency
WAC	Washington Administrative Code
WQ	Water Quality

Introduction

The Ecology stormwater pollution control program is based, in part, on the federal regulations of 40 CFR Parts 122, 123, and 124 Subchapter D (Water Programs) issued on November 16, 1990, and the implementation of section 402(p) of the Federal Clean Water Act. The goals of these federal regulations are to reduce or eliminate stormwater pollution from construction activity by requiring the implementation of technology based Stormwater Pollution Prevention Plans (SWPPP), and to eliminate surface water quality standards violations caused by stormwater.

Under the authority of Chapter 90.48 RCW, Ecology has expanded the scope of its stormwater program beyond the federal government's requirements. Ecology's program requires compliance with ground water quality and sediment management standards for those operations that are required to obtain an NPDES permit for a stormwater discharge to surface waters or storm drains.

To comply with 40 CFR Parts 122, 123, and 124, and pursuant to the provisions of Chapters 90.48 and 90.52 RCW and Chapter 173-226 WAC, all those who file a Notice of Intent and are covered under this baseline general permit (see Special Condition S2) shall comply with the following:

Special Conditions

S1. Application for Coverage

A. Notice of Intent (NOI) Submission Deadline

The permit application called a Notice of Intent (NOI) shall be submitted to Ecology on or before the date of the first public notice and at least 38 days prior to the start of construction activities. (see NOI instructions in Appendix 1)

B. Public Notice Requirement

At the time of application the permittee must publish a notice that they are seeking coverage under Ecology's general stormwater permit for construction activities. This notice must be published at least once each week for two consecutive weeks, in a single newspaper which has general circulation in the county in which the construction is to take place. Refer to the NOI instructions for public notice language requirements. State law requires a 30 day public comment period prior to permit coverage, therefore permit coverage will not be granted sooner than 31 days after the date of the last public notice.

C. Stormwater Pollution Prevention Plan (SWPPP) Deadlines

Permit coverage will not be granted until the permittee has indicated completion of the SWPPP or certified that development of a SWPPP in accordance with S9 of this permit will occur prior to the commencement of the construction activity. SWPPPs are not submitted to Ecology but retained on-site or within reasonable access to the site to be made available to Ecology and local governmental agencies upon request.

D. State Environmental Policy Act (SEPA) Notification

The permittee must comply with the SEPA process and provide the following information prior to receiving permit coverage: the type of SEPA document required, the date and agency which issued the final determination and whether or not the permittee is aware of any appeals of the adequacy of the SEPA document. If the above information is not supplied on the NOI it must be supplied in writing to Ecology prior to permit coverage.

S2. Permit Coverage

A. How to Obtain Coverage

Coverage under this general stormwater permit for construction activities may be obtained by submitting a NOI to Ecology to discharge "Stormwater Associated With Construction Activity" (Appendix 1). Ecology intends to notify applicants by mail of their status concerning coverage under this permit within 10 working days of Ecology's receipt of a complete NOI. An NOI is only deemed complete after it is fully filled out and signed, and a final SEPA determination has been made, the applicant has certified that a SWPPP will be developed prior to the start of construction, the 30 day public comment period has been satisfied, and all other NOI information has been supplied.

Upon receipt of a complete NOI Ecology will notify the applicant of their permit status either through written authorization of permit coverage or by sending a letter to the applicant giving a date when permit coverage will automatically commence. Coverage will begin from the date of Ecology's written authorization or will automatically commence on the date specified by Ecology.

Applicants which discharge stormwater associated with construction activity to a storm drain operated by any of the following municipalities shall submit a **copy** of the NOI to the municipality.

Seattle, King County, Snohomish County, Tacoma, Pierce County, Clark County, Spokane County, and Washington Department of Transportation (WSDOT), if discharge occurs within these permit areas.

B. Construction Activities Required to Seek Coverage

Construction Activity which results in the disturbance of five acres or more of land (or other minimum land area to be determined by federal regulation), including clearing, grading and excavation activities; and those sites or common plans of development or sale that will result in the total disturbance of five acres or more land area and also have a discharge of stormwater to a surface water or storm drain.

C. Construction Activities not Required to Apply

The following construction activities are not required to apply for coverage under this permit to discharge stormwater associated with construction activity:

1. Construction activities which discharge stormwater only to the ground through infiltration basins, dry wells, drain fields, and any other discharge to the ground and have no point source discharge to surface water or a municipal storm sewer;
2. Any part of a facility with a stormwater discharge resulting from remedial action conducted by the USEPA or Ecology or a potentially liable/responsible person under an order or consent decree issued under the Comprehensive Environmental Response, Compensation, and Liability Act. These facilities must still comply with the requirements in this general permit determined by Ecology to be applicable, relevant, and appropriate requirements under these laws;
3. Any emergency construction activity required to protect public health and safety;

4. Any construction activity for routine maintenance of existing facilities to maintain original line and grade, or hydraulic capacity.
- D. Facilities EXCLUDED from Coverage Under This Permit

Ecology will not consider coverage for the following facilities:

1. Nonpoint source silvicultural activities; such as nursery operations, site preparation, reforestation and subsequent cultural treatment, thinning, prescribed burning, pest and fire control, harvesting operations, surface drainage, or road construction and maintenance from which there is natural runoff as excluded in 40 CFR Subpart 122.27;
2. Construction projects that are federally owned or operated or are on Tribal land, or discharge stormwater directly to tribal waters with EPA approved water quality standards, including portions of the Puyallup River and other waters on trust or restricted lands within the 1873 Survey Area of the Puyallup Tribe of Indians Reservation;
3. Stormwater discharges that originate from the site after construction activities have been completed and the site has undergone final stabilization;
4. Any facility covered under an existing NPDES individual or general permit in which stormwater management or treatment requirements or both are included for all stormwater discharges associated with construction activity.

E. Coverage for Significant Contributors of Pollutants

This permit may also cover any construction activity discharging stormwater which Ecology determines to be a significant contributor of pollutants to waters of the state of Washington or may reasonably be expected to cause a violation of a water quality standard.

F. Coverage for Discharges to Ground Water

This permit also covers discharges of stormwater associated with construction activity to ground water from any facility which has a discharge of stormwater to a surface water or a storm sewer requiring permit coverage.

S3. Authorized Discharges

This permit authorizes the discharge of stormwater and construction dewatering waters associated with construction activity to waters of the state of Washington and/or to municipal storm drains from construction sites owned or operated by permittees identified in Special Condition S2 (Permit Coverage).

S4. Discharge Prohibitions

- A. Discharges to a storm drain or surface water of process wastewater, domestic wastewater or noncontact cooling water not covered by an NPDES permit are prohibited.
- B. Discharges of stormwater to sanitary or combined sewers shall be limited pursuant to Chapter 173-245 WAC and WAC 173-226-100. Discharges of stormwater to sanitary or combined sewers shall not occur without the approval of the municipality which owns or operates the sanitary or combined sewer system.

- C. This permit does not authorize illicit discharges, including spills of oil or hazardous substances, nor does it relieve entities from obligations under state and federal laws and regulations pertaining to those discharges.

S5. Compliance with Standards

The permittee is responsible for achieving compliance with state of Washington surface water quality standards (Chapter 173-201A WAC), sediment management standards (Chapter 173-204 WAC), ground water quality standards (Chapter 173-200 WAC), and human health based criteria in the National Toxics Rule (Federal Register, Vol. 57, No. 246, Dec. 22, 1992, pages 60848-60923).

Where construction sites are not in compliance with these standards, the permittee shall take immediate action(s) to achieve compliance by implementing additional BMPs and/or improved maintenance of existing BMPs.

For permit compliance purposes compliance with standards means:

- i) An adequate SWPPP has been prepared and fully implemented;
- ii) The SWPPP and its implementation are adequate to prevent the discharge of toxic pollutants, floating materials, and erosion; and
- iii) All available and reasonable means have been taken to prevent the discharge of settleable solids and to reduce turbidity in discharges directly or indirectly to surface waters.

In determining compliance Ecology will consider:

- i) Weather conditions as related to design storms for BMPs;
- ii) Available dilution and background conditions in the receiving water if the SWPPP and its implementation are determined adequate; and
- iii) Other requirements of Chapters 173-200 WAC, 173-201A WAC, and 173-204 WAC.

S6. Sampling and Analysis

Sampling and analysis of stormwater for pollutants and ground water, surface water, or sediments for impacts of stormwater discharges are not required by this permit. However, sampling and analysis are encouraged and may be appropriate during the development and implementation of the SWPPP. Analysis conducted in accordance with 40 CFR Part 136 and Puget Sound Estuary Program Protocols is recommended but not required. Sampling procedures may be conducted in accordance with USEPA's NPDES Stormwater Sampling Guidance Document (EPA 833-B-92-001), July 1992, or Ecology guidance when it becomes available.

Sampling and analysis may be needed on a case-by-case basis for the discharge of construction dewatering waters to ensure compliance with standards. Dewatering in areas where the potential for ground water contamination exists should not be discharged without characterization of the ground water to be discharged. For guidance on the discharge of dewatering waters contact your Ecology Regional Office.

S7. Permit Fees

Annual payment of fees in accordance with RCW 90.48.465 is a condition of this permit. Fees for stormwater discharges covered under this permit shall be established by Chapter 173-224 WAC.

S8. Solid and Liquid Waste Disposal

The following requirements apply in the handling of solid and liquid wastes generated in compliance with the requirements of this general permit:

- A. Disposal of waste materials from maintenance activities, including liquids and solids from cleaning catch basins and other stormwater facilities, shall be conducted in accordance with the Minimum Functional Standards for Solid Waste Handling, Chapter 173-304 WAC, and where appropriate, the Dangerous Waste Regulations, Chapter 173-303 WAC.
- B. Leachate from the solid waste material handling and disposal sites shall not be discharged to state ground or surface waters without providing all known, available, and reasonable methods of treatment, nor shall such leachate cause violations of the state water quality standards for ground water or surface water or violations of sediment management standards.

S9. Stormwater Pollution Prevention Plan (SWPPP) for Construction Activities

A SWPPP for construction activity, including construction dewatering, shall be prepared and implemented in accordance with the schedule of Special Condition S1 and the requirements of this Special Condition.

A. Objectives

- 1. To implement Best Management Practices (BMPs) to minimize erosion and sediments from rainfall runoff at construction sites, and to identify, reduce, eliminate, or prevent the pollution of stormwater.
- 2. To prevent violations of surface water quality, ground water quality, or sediment management standards.
- 3. To prevent, during the construction phase, adverse water quality impacts including impacts on beneficial uses of the receiving water by controlling peak rates and volumes of stormwater runoff at the permittee's outfalls and downstream of the outfalls.
- 4. To eliminate the discharges of unpermitted process wastewater, domestic wastewater, illicit discharges, and non-contact cooling water to stormwater drainage systems and surface waters of the state.

B. General Requirements

- 1. The site owner shall be the permittee and responsible for the implementation of a SWPPP. At construction sites for which a lease, easement, or other use agreement has been obtained from the site owner, the entity obtaining the use agreement shall be the permittee. The SWPPP shall be prepared sufficiently in advance of construction to allow the contractor sufficient time to plan the implementation of the SWPPP.

2. The permittee shall designate on the NOI, a contact person who will be available 24 hours a day to respond to emergencies, and to inquiries or directives from Ecology. The contact person shall have authority over the SWPPP implementation. While the site owner is ultimately responsible for proper activities under the general permit and for proper implementation of the SWPPP, both the owner and/or operator of the site may be held liable for any permit violations.
3. The permittee shall retain the SWPPP on-site or within reasonable access to the site and make it available upon request to Ecology and local governmental agencies with jurisdiction. If stormwater is discharged to a municipal storm drain system, the SWPPP shall be available to the municipality upon request. The public may obtain a copy of a permittee's SWPPP by request from Ecology.
4. The permittee shall retain the SWPPP and copies of the Notice of Intent, inspection reports and all other reports required by this permit for, at least three years after the date of final stabilization of the construction site. The permittee shall make these documents available upon request to Ecology and to the local government agencies with jurisdiction.
5. Reports on incidents, such as discharge of spills and other noncompliance notification (see G3), shall be included in the records.
6. Modifications:
 - a. Ecology may notify the permittee when the SWPPP does not meet one or more of the requirements of this Special Condition S9. Upon notification by Ecology, the permittee shall take appropriate action(s) to come into compliance with this Special Condition S9.
 - b. Ecology may require SWPPP and BMP modifications if compliance with standards is not being achieved as required in accordance with Special Condition S5.
 - c. The permittee shall modify the SWPPP whenever there is a change in design, construction, operation, or maintenance of any BMP which cause(s) the SWPPP to be less effective in controlling the pollutants.
 - d. Whenever a self-inspection reveals that the description of pollutant sources or the BMPs identified in the SWPPP are inadequate, due to the actual discharge of or potential to discharge a significant amount of any pollutant, the SWPPP shall be modified, as appropriate. The permittee shall provide for implementation of any modifications to the SWPPP in a timely manner.
7. Applicability of Current and Future Editions of the Stormwater Management Manual for the Puget Sound Basin (SWMM):

BMPs shall be selected from the most recent published edition of the SWMM, that has been available for at least 120 days prior to BMP selection, or other equivalent manuals available at the time of BMP selection or when the selection of additional BMPs is necessary. If new BMPs are required they shall be implemented in accordance with Special Condition S9.B.6.

C. SWPPP Contents and Requirements:

The SWPPP shall consist of and make provision for the following:

1. An Erosion and Sediment Control Plan:

The Erosion and Sediment Control Plan shall describe stabilization and structural practices, both of which shall be implemented to minimize erosion and the transport of sediments.

a. Stabilization Practices:

The Erosion and Sediment Control Plan shall include a description of stabilization Best Management Practices (BMPs), including site-specific scheduling of the implementation of the practices. Stabilization practices may include: temporary seeding, permanent seeding, mulching, geotextiles, sod stabilization, vegetative buffer strips, protection of trees, preservation of mature vegetation, and other appropriate measures. A record of the dates when major grading activities occur, when construction activities temporarily or permanently cease on a portion of the site, and when stabilization measures are initiated shall be included in the plan. Stabilization measures shall be initiated as soon as practicable in portions of the site where construction activities have temporarily or permanently ceased. The plan shall ensure that the following requirements are satisfied:

- i) All exposed and unworked soils shall be stabilized by suitable and timely application of BMPs.
- ii) Existing vegetation should be preserved where attainable. In the field, mark areas which are not to be disturbed, including setbacks, sensitive/critical areas and their buffers, trees and drainage courses shall be marked or flagged on site before construction activities are initiated. These areas should not be harmed when measures under the SWPPP and/or construction activities are undertaken.
- iii) Cut and fill slopes shall be designed and constructed in a manner that will minimize erosion. Slopes shall be stabilized in accordance with requirement a. above.
- iv) Stabilization adequate to prevent erosion of outlets and adjacent stream banks shall be provided at the outlets of all conveyance systems.
- v) All storm drain inlets made operable during construction shall be properly maintained.
- vi) Wherever construction vehicle access routes intersect paved roads, provisions must be made to minimize the transport of sediment (mud) onto the paved road. If sediment is transported onto a road surface, the roads adjacent to the construction site shall be cleaned on a regular basis. Street washing shall be allowed only after other methods to prevent the transport or to remove the sediments are unsuccessful.

b. Structural Practices:

In addition to stabilization practices, the Erosion and Sediment Control Plan shall include a description of structural BMPs to divert flows from exposed soils, store flows, or otherwise limit runoff and the discharge of pollutants from exposed areas of the site to the degree attainable. Such practices may include silt fences, earth dikes, drainage swales, sediment traps, check dams, subsurface drains, pipe slope drains, level spreaders, storm drain inlet protection, rock outlet protection, reinforced soil retaining systems, gabions, and sediment basins. Structural practices should be placed on upland soils to the degree attainable. The installation of these devices may be subject to Section 404 of the Federal Clean Water Act. The plan shall ensure that the following requirements are satisfied:

- i) Prior to leaving the site, stormwater runoff shall pass through a sediment pond or sediment trap, or other appropriate BMPs.
- ii) Properties adjacent to the project site shall be protected from sediment deposition.
- iii) Sediment ponds and traps, perimeter dikes, sediment barriers, and other BMPs intended to trap sediment on-site shall be constructed as a first step in grading. These BMPs shall be functional before land disturbing activities take place. Earthen structures used for sediment control such as dams, dikes, and diversions shall be stabilized as soon as possible.
- iv) Properties and waterways downstream from the construction site shall be protected from erosion due to increases in volume, velocity, and peak flow of stormwater runoff from the project site.
- v) All temporary erosion and sediment control BMPs shall be removed within 30 days after final site stabilization is achieved or after the temporary BMPs are no longer needed. Trapped sediment shall be removed or stabilized on-site. Disturbed soil areas resulting from removal shall be permanently stabilized.

c. Selection of Stabilization and Structural BMPs:

Permittees within the Puget Sound Basin shall select from BMPs described in Volume II of the most recent edition of Ecology's Stormwater Management Manual (SWMM) that has been available at least 120 days prior to the BMP selection, or other equivalent and appropriate BMPs to comply with the requirements listed in sections a. and b. above.

Permittees outside the Puget Sound Basin shall select from BMPs described in the Erosion and Sediment Control Handbook, by Goldman et al; Volume II of the most recent edition of Ecology's SWMM, that has been available at least 120 days prior to the BMP selection, as adapted for local conditions using best professional judgment; or other equivalent and appropriate BMPs to comply with the requirements listed in subsections a. and b. above.

d. Inspection and Maintenance:

All BMPs shall be inspected, maintained, and repaired as needed to assure continued performance of their intended function. All on-site erosion and sediment control measures shall be inspected at least once every seven days and within 24 hours after any storm event of greater than 0.5 inches of rain per 24 hour period.

e. Recordkeeping:

Reports summarizing the scope of inspections, the personnel conducting the inspection, the date(s) of the inspection, major observations relating to the implementation of the SWPPP, and actions taken as a result of these inspections shall be prepared and retained as part of the SWPPP.

f. Compliance Reporting Requirement:

Compliance with the maintenance and schedule requirements of the SWPPP and other schedule requirements of this permit constitutes compliance with the reporting requirements of WAC 173-226-180.

g. Format:

The Erosion and Sediment Control Plan shall consist of two parts: a narrative and a set of site plans (drawings). Permittees may refer to Volume II, *Construction Stormwater Pollution Prevention*, of Ecology's SWMM for guidance on the content and format.

2. Control of Pollutants Other Than Sediment on Construction Sites:

All pollutants other than sediment that occur on-site during construction shall be handled and disposed of in a manner that does not cause contamination of stormwater. Chapter II-3 of the SWMM can be referenced for guidance in controlling other potential pollutants.

3. Coordination with Local Requirements:

This permit does not relieve the permittee of compliance with any more stringent requirements of local government.

Also, as required by the Puget Sound Water Quality Management Plan, local governments within the Puget Sound Basin are to adopt requirements for construction which are at least equivalent to the requirements listed in Volume I, *Minimum Technical Requirements*, of Ecology's SWMM. Where Ecology has determined such requirements to be equivalent, compliance with these requirements meets the SWMM requirements of this permit.

S10. Notice of Termination (NOT)

After the site has undergone final stabilization, and all stormwater discharges from soil disturbing activities have ceased, and all exposed soils have a permanent vegetative cover, or equivalent permanent stabilization measure which prevent erosion, the permittee shall submit a Notice of Termination form (Appendix 2 of this permit). A Notice of Termination, that is signed in

accordance with General Condition G20 of this permit, will end permit coverage and the responsibility of the permittee(s) to be subject to the conditions of this permit. The permittee is responsible for submitting the termination notice in order to end permit coverage. Unless the permit is terminated, Ecology will continue to assess a fee for the permit.

Where the site owner changes, the site owner listed as the permittee shall submit a NOT that is signed in accordance with General Condition G20 of this permit. The new site owner shall submit a new Notice of Intent.

General Conditions

G1. Discharge Violations:

All discharges and activities authorized by this permit shall be consistent with the terms and conditions of this permit.

G2. Proper Operation and Maintenance:

The Permittee shall at all times properly operate and maintain all facilities and systems of collection, treatment, and control (and related appurtenances) which are installed or used by the Permittee for pollution control.

G3. Non-compliance Notification:

If for any reason, the Permittee does not comply with, or will be unable to comply with conditions specified in the permit, the Permittee shall, at a minimum, provide the Department of Ecology (Ecology) with the following information:

- A. A description of the nature and cause of noncompliance, including the quantity and quality of any unauthorized waste discharges;
- B. The period of noncompliance, including exact dates and times and/or the anticipated time when the Permittee will return to compliance; and
- C. The steps taken, or to be taken, to reduce, eliminate, and prevent recurrence of the noncompliance.

In addition, the Permittee shall take immediate action as expeditiously as practicable, to stop, contain, and clean up any discharge of spills and take all reasonable steps to minimize any adverse impacts to waters of the state and correct the problem. The Permittee shall notify Ecology by telephone so that an investigation can be made to evaluate any resulting impacts and the corrective actions taken to determine if additional action should be taken.

In the case of any discharge which could constitute a threat to human health, welfare, or the environment, 40 CFR Part 122 requires that the information specified in Sections G3.A., G3.B., and G3.C., above, shall be provided not later than 24 hours from the time the Permittee becomes aware of the circumstances. If this information is provided orally, a written submission covering these points shall be provided within five days of the time the Permittee becomes aware of the circumstances, unless Ecology waives or extends this requirement on a case-by-case basis.

Compliance with these requirements does not relieve the Permittee from responsibility to maintain continuous compliance with the conditions of this permit or the resulting liability for failure to comply.

G4. Bypass Prohibited:

The intentional bypass of stormwater from all or any portion of a stormwater treatment system whenever the design capacity of the treatment system is not exceeded, is prohibited unless the following conditions are met:

- A. Bypass is: 1) unavoidable to prevent loss of life, personal injury, or severe property damage; or 2) necessary to perform construction or maintenance-related activities essential to meet the requirements of the Clean Water Act and authorized by administrative order; and
- B. There are no feasible alternatives to bypass, such as the use of auxiliary treatment facilities, retention of untreated stormwater, maintenance during normal periods of equipment down time, or temporary reduction or termination of production;

G5. Right of Entry:

The Permittee shall allow an authorized representative of Ecology, upon the presentation of credentials and such other documents, as may be required by law:

- A. To enter upon the premises where a discharge is located or where any records must be kept under the terms and conditions of this permit;
- B. To have access to and copy at reasonable times any records that must be kept under the terms of the permit;
- C. To inspect at reasonable times any monitoring equipment or method of monitoring required in the permit;
- D. To inspect at reasonable times any collection, treatment, pollution management, or discharge facilities; and
- E. To sample at reasonable times any discharge of pollutants.

G6. Revocation of Coverage:

Pursuant with Chapter 43.21B RCW and Chapter 173-226 WAC, the director may terminate coverage under this General Permit. Cases where coverage may be terminated include, but are not limited to the following:

- A. Violation of any term or condition of the general permit;
- B. Obtaining coverage under a general permit by misrepresentation or failure to disclose fully all relevant facts;
- C. A change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge;
- D. A determination that the permitted activity endangers human health or the environment, or contributes significantly to water quality standards violations;
- E. Failure or refusal of the permittee to allow entry as required in RCW 90.48.090;
- F. Nonpayment of permit fees assessed pursuant to RCW 90.48.610;

- G. Failure of the permittee to satisfy the public notice requirements of WAC 173-226-130(6); or
- H. Revocation of coverage under a general permit may be initiated by Ecology or by any interested person.

G7. Transfer of Coverage:

Pursuant with Chapter 43.21 RCW and Chapter 173-226 WAC, the director may require any discharger authorized by this general permit to apply for and obtain an individual permit or to apply for coverage under an industry-specific general permit.

G8. General Permit Modification and Revocation:

General permits may be modified, revoked and reissued, or terminated in accordance with the provisions of Chapter 173-226 WAC. Grounds for modification, revocation and reissuance, or termination include, but are not limited to, the following:

- A. A change occurs in the technology or practices for control or abatement of pollutants applicable to the category of dischargers covered under the general permit;
- B. Effluent limitation guidelines or standards are promulgated pursuant to the FWPCA or chapter 90.48 RCW, for the category of dischargers covered under the general permit;
- C. A water quality management plan containing requirements applicable to the category of dischargers covered under the general permit is approved; or
- D. Information is obtained which indicates that cumulative effects on the environment from dischargers covered under the general permit are unacceptable.

G9. Permit Coverage Modification:

A Permittee who knows, or has reason to believe, that any activity has occurred or will occur which would constitute cause for revocation or transfer of coverage under General Conditions G6 and G7 respectively, or 40 CFR Subpart 122.62, must report such plans, or such information to Ecology. Activities which shall be reported include facility expansions, production increases, or process modifications which will: 1) result in new or substantially increased discharges of pollutants into stormwater or a change in the nature of the discharge of pollutants into stormwater; or 2) violate the terms and conditions of this permit. Ecology may then require submission of a new Notice of Intent or an application for an individual permit.

Submission of a new Notice of Intent for coverage under this or another general permit, or an application for an individual permit does not relieve the Permittee of the duty to comply with the terms and conditions of the existing permit until the new notice of intent has been approved or an individual permit has been issued.

G10. Toxic Pollutants:

If any applicable toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is established under Section 307(a) of the Clean Water Act for a toxic pollutant and that standard or prohibition is more stringent than any limitation upon such pollutant in this general permit, Ecology shall institute proceedings to modify or revoke and reissue this general permit to conform to the new toxic effluent standard or prohibition.

G11. Other Requirements of Title 40 Code of Federal Regulations:

All other requirements of 40 CFR Subpart 122.41 and 122.42 are incorporated in this permit by reference.

G12. Compliance With Other Laws and Statutes:

Nothing in this permit shall be construed as excusing the Permittee from compliance with any applicable federal, state, or local laws, ordinances, or regulations.

G13. Additional Monitoring:

Ecology may establish specific monitoring requirements in addition to those contained in this permit by administrative order or permit modification.

G14. Removed Substances:

Collected screenings, grit, solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of stormwater shall not be resuspended or reintroduced to the final effluent stream for discharge to state waters.

G15. Duty to Reapply:

The Permittee must reapply for coverage under this general permit, at least 180 days prior to the specified expiration date of this permit. An expired general permit continues in force and effect until a new general permit is issued or until the department cancels it. Only those facilities which have reapplied for coverage under the general permit are covered under the continued permit.

G16. Transfer of Permit Coverage:

Coverage under this permit is not transferable to any other person or entity except in compliance with WAC 173-226-210. The new operator shall submit a new Notice of Intent for coverage under this or another general permit, or apply for and obtain an individual discharge permit. The previous operator shall submit a Notice of Termination.

G17. Requests to be Excluded from Coverage Under a General Permit:

Any discharger authorized by a general permit may request to be excluded from coverage under the general permit by applying for an individual permit. The discharger shall submit to the director an application as described in WAC 173-220-040 (NPDES permit program), with reasons supporting the request. The director will either issue an individual permit or deny the request with a statement explaining the reason for denial.

G18. Appeals:

- A. The terms and conditions of this general permit, as they apply to the appropriate class of dischargers, are subject to appeal by any person within 30 days of issuance of this general permit, in accordance with Chapter 43.21B RCW, and Chapter 173-226 WAC.
- B. The terms and conditions of this general permit, as they apply to an individual discharger, are appealable in accordance with Chapter 43.21B RCW within 30 days of the effective date of coverage of that discharger. Consideration of an appeal of general permit coverage of an individual discharger is limited to the general permit's applicability or nonapplicability to that individual discharger.

- C. The appeal of general permit coverage of an individual discharger does not affect any other dischargers covered under this general permit. If the terms and conditions of this general permit are found to be inapplicable to any individual discharger(s), the matter shall be remanded to the department for consideration of issuance of an individual permit or permits.

G19. Record Keeping Requirements:

The permittee shall maintain records required as a condition of the application for, as a condition of coverage under, and as conditions of this permit.

The permittee shall retain for a minimum of five (5) years reports required by this permit. This period of retention shall be extended during the course of any unresolved litigation regarding the discharge of pollutants by the permittee or when requested by the department or regional administrator.

Upon termination of coverage under this permit, the owner shall retain all records and reports required under this General Condition for at least three (3) years from the date of termination of coverage under this permit.

G20. Signatory Requirements:

All Notices of Intent and Termination, plans (including the SWPPP), reports, certifications or information either submitted to the Department of Ecology or to the operator of a municipal storm sewer system, (or that this permit requires be maintained by the permittee), shall be signed as follows:

- A. In the case of corporations, by a responsible corporate officer or a duly authorized representative, if such representative is responsible for the overall operation of the facility from which the discharge originates.
- B. In the case of a partnership, by a general partner.
- C. In the case of a sole proprietorship, by the proprietor.
- D. In the case of a municipal, state or other public agency, by either a principal executive officer, ranking elected official, or other duly authorized employee.

G21. Use of Registered or Accredited Laboratories:

Except for flow, temperature and internal process control parameters, sampling and analysis data required as a condition of coverage under this general permit shall be prepared by a laboratory accredited under the provisions of Chapter 173-50 WAC (Accreditation of Environmental Laboratories).

G22. Commencement of Coverage Under a General Permit:

Unless the department responds in writing to an application for coverage, coverage of a discharger under a general permit will automatically commence on the later of the following:

- A. On the effective date of the general permit;
- B. On the 31st day following the end of the 30 day comment period required by WAC 173-226-130(5)(iv) for new operations;

- C. On the 31st day following receipt by the department of a completed application for coverage under a general permit; or
- D. On the coverage date specified in this permit.

G23. Termination of coverage upon issuance of an individual permit or an industry-specific general permit:

When an individual permit is issued to a discharger otherwise subject to this general permit, the applicability of the general permit to that permittee is automatically terminated on the effective date of the individual permit.

When coverage under an industry-specific general permit is granted to a discharger otherwise subject to this general permit, the applicability of this general permit to that permittee is automatically terminated 90 days after the effective date of the industry-specific general permit.

G24. Severability:

The provisions of this permit are severable, and if any provision of this permit, or application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit shall not be affected thereby.

How to apply for a General Permit to Discharge Stormwater Associated with Construction Activity

Introduction

These instructions will help you prepare an application, referred to as Notice of Intent (NOI), for coverage under a National Pollutant Discharge Elimination System (NPDES) General Permit for stormwater discharges associated with construction activity in the state of Washington. This NPDES General Permit (general permit) applies to stormwater discharges to surface waters and to storm drains.

Municipalities of less than 100,000 population need to apply for construction sites that they own or operate.

Owners of construction sites of fewer than five acres, or those that will retain onsite and discharge to the ground all stormwater associated with construction activity, are *not* required to apply for coverage under the construction stormwater general permit.

Who Must Apply

- The owner of a construction site where five acres or more of total land area will be disturbed must apply for coverage under the general permit if there will be a discharge of stormwater associated with construction activity to a surface water or to a storm drain.
- At sites for which a lease, easement, or other use agreement has been obtained from the site owner, the entity obtaining the use agreement must apply. In cases where the owner(s) of a site is (are) represented by a developer, the developer should apply.
- At sites where fewer than five acres of total land area will be disturbed, the owner is not required to apply unless the construction is "part of a larger common plan of development or sale." "Part of a larger common plan of development or sale" means a contiguous area where multiple separate and distinct construction activities may be taking place at different times on different schedules under one plan.
- Industrial facilities already covered by the Industrial Baseline General Permit for their industrial activity that are planning construction which will disturb five or more acres of total land area, must complete this NOI.

When to Apply

The NOI shall be submitted to Ecology on or before the date of the first public notice and at least 38 days prior to the start of construction activities (see Section IX). Ecology must have the permit application during the public comment period in order to provide the public access to the applications as required by WAC 173-226-130(5).

Note: Ecology cannot grant permit coverage until 31 days *after* the date of the *second* Public Notice.

Upon receipt of a complete NOI, Ecology will notify the applicant by mail of confirmation of coverage under the permit. The confirmation will be mailed on the 31st day after the second public notice date. An NOI is only deemed complete after a final SEPA determination has been made, the applicant has certified that a SWPPP will be developed prior to the start of construction, the 30-day public comment period has been satisfied, and all other NOI information has been supplied. If public comments are submitted to Ecology as a result of the public notice, Ecology will request the applicant to submit a written response to the public comments prior to issuance of the permit. Coverage will begin on the date of Ecology's written authorization or will automatically commence on the date specified in Ecology's letter.

Where to Apply

Mail the *signed* NOI to the following office:

Washington Department of Ecology
Water Quality Program
Stormwater Unit - Construction
P.O. Box 47696
Olympia, WA 98504-7696

Applicants who discharge stormwater associated with construction activity to a storm drain operated by any of the following municipalities must also submit a copy of the NOI to the municipality: Seattle, King County, Snohomish County, Tacoma, Pierce County, Clark County, Spokane County, and Washington State Department of Transportation.

Fees

There is no application fee. You will be billed for permit fees after the permit is issued. Call (360) 407-6425 or send email to bpos461@ecy.wa.gov for questions relating to fees.

Instructions for Completing the Notice of Intent

The Notice of Intent (NOI) is an official document committing the permittee to compliance with the requirements of the General Permit. It should be completed accurately, completely and legibly.

Please print in ink or type.

Change of Information: Check this box if information included in a previously submitted NOI application in which permit coverage was granted has changed. An example of a change could be a new owner, new contact person, billing address, or total area to be disturbed. Include your assigned permit number in the upper right hand corner of the NOI. Your assigned number is on the confirmation of coverage letter from Ecology. Complete only those sections of the NOI that require changes. Please submit a transmittal letter which confirms/explains the change of information in the NOI.

Permit Number: Use only if you are reporting a "Change of Information" or transferring ownership of permit.

Section I. Contact Person

Give the name, address, telephone number and extension, cell phone number, and fax number of a local person who is available 24 hours a day to respond to emergencies, and to inquiries or directives from Ecology. The contact person should be someone who is completely familiar with the site and charged with overseeing compliance with the permit requirements. This person could be an employee, a consultant, a developer, or a contractor.

Section II. Owner/Representative of Site

Give the name, address, telephone number and extension, cell phone number, and fax number of the person, company, firm, public corporation, municipality or any other entity which owns or legally represents the site. If the owner is the same as the contact person, enter "same as contact person" on the first line. The permit and all other correspondence will be sent to this address. An exception to this information is the billing address.

Unified Business Identifier (UBI). A UBI number is a nine digit number that is assigned to your business when you apply for a business license. Private individuals constructing their residence may not have a UBI number. Leave UBI information blank if it does not apply. For more information on UBI number, visit the Department of Revenue's State Business Records Database site at <http://prd.dor.wa.gov>.

Section III. Site Address

Enter the street address or location description (e.g., Intersection of B & C streets) for the construction site. Also include the county. Construction sites which do not have a street address must also provide a legal description of the location, either in the space provided or as an attachment.

Section IV. Billing Address

Indicate where the annual and final permit fee invoices should be sent. Also provide a contact person who can answer any questions on the billing invoices.

Section V. Receiving Water Information

Part A. Check the appropriate boxes for receiving water information for the stormwater discharges from the construction site.

Part A.1. Check this box if stormwater leaving your site enters a storm drain system, and indicate the name of the owner of the storm drain system such as a municipality, flood control district, utility or private entity (e.g., industrial park).

Part A.2. Check this box if stormwater flows directly or indirectly into or over adjacent properties, through ditches or right-of-ways to surface waters of the state; the definition of a surface water includes lakes, rivers, ponds, streams, salt waters, and wetlands.

Part A.3. Check this box if stormwater from your site is discharged to the ground. Indicate by what method by checking one of the three choices. If you discharge stormwater *only* to the ground, you are not required to apply for coverage under the general permit.

Part B. Indicate the name of the first downstream receiving water(s) which has an assigned name. If stormwater is discharged to more than one receiving water, the names of each receiving water must be listed. Indicate whether the stormwater is initially discharged to an unnamed receiving water(s) prior to flowing into the named receiving water(s) by placing a check in the appropriate box. If the discharge is to an unnamed surface water which does not eventually drain to a named surface water (e.g., a pond with no outlet), enter a description of the receiving water (e.g., ponds, creek, etc.) and check "Yes."

Part C. Identify the points or areas of stormwater discharge. Provide the latitude and longitude for each point discharge. If you are not able to provide that information, provide the section, township and range information and locate your discharge on a map of sufficient scale and accuracy to identify the points of discharge and distance from receiving water(s); provide name of water body. If you discharge to a stormwater drainage system, identify where the points of discharge are for the drainage system; give name of receiving water.

Section VI. Construction Activity Information

Give the total land area in acres and total area that will be disturbed during all phases of the construction project. This includes all clearing, grading, and excavating, and any other activity that disturbs the surface of the land. Include how many phases. Once the site is prepared for development (for example utilities and roads installed) will the project be sold? (Once you are no longer responsible for the site, request the permit be canceled by submitting a termination form. If one builder assumes ownership for the entire site, the stormwater permit can be transferred. A transfer request form and an updated application is required.)

Give the projected month/year when the construction activity will begin, and the anticipated month/year of completion of all soil disturbing and soil stabilization activity.

Notify Ecology if dewatering is planned or chemical treatment will be used as a BMP.

Mark all soil disturbing activity anticipated. Add to the list activities that are pertinent to your project.

Section VII.A. Best Management Practices

Indicate how the stormwater will be cleaned and controlled before it discharges to storm drains and receiving waters. (This includes ditches and wetlands.)

Section VII.B. Stormwater Pollution Prevention Plan (SWPPP)

Applicants must develop and implement the SWPPP before beginning construction activities. Applicants may indicate completion of the SWPPP on the NOI form or certify that development of a SWPPP will occur before construction begins. If this is not done, Ecology must be notified that a SWPPP will be developed prior to the start of construction before permit coverage can be granted.

A stormwater pollution prevention plan (SWPPP) for construction sites is a documented plan primarily intended to control erosion and sedimentation caused by construction activity. These plans are not submitted to Ecology (unless Ecology requests you to submit a copy of the SWPPP), but kept on-site or within reasonable access to the site, to be made available to Ecology and local governmental agencies upon request.

Section VIII. State Environmental Policy Act (SEPA) Compliance

Ecology cannot cover the applicant under the General Permit until the following SEPA information has been provided and the SEPA process has been satisfied. Do not submit your permit application or publish the public notices until SEPA is final and SEPA appeals related to environmental issues have been resolved.

Provide the following information:

- Whether SEPA review has been completed or the project is exempt.
- The type of SEPA document prepared, *i.e.*, a Determination of Nonsignificance (DNS) or a Final Environmental Impact Statement (EIS). The name of the agency that issued the DNS or the Final EIS, or that decided the project was exempt from SEPA. Usually this agency is a representative of local government such as a city or county.
- Provide the date the agency issued the DNS or Final EIS.
- Whether you are aware of an administrative or judicial appeal of the adequacy of the SEPA document. If you check the "yes" box, provide a letter explaining the issues and status of the appeal.

If necessary, the SEPA follow-up information may be supplied in writing after submission of the NOI.

Section IX. Public Notice

The applicant must complete the 30-day public notice requirement prior to receiving permit coverage. The notice must be published at least *once* each week for *two* consecutive weeks, in a *single* newspaper of general circulation in the county in which the construction is to take place. It must include the following information:

- A statement that the applicant is seeking coverage under the Washington Department of Ecology's NPDES General Permit for Stormwater Discharges Associated with Construction Activities;
- The name, address and location of the construction site;
- The name and address of the applicant;
- A description of the applicant's construction activities and areas from which a stormwater discharge, the temporary Best Management Practices (BMPs) and name(s) of receiving water(s); and
- This statement: "Any person desiring to present their views to the Department of Ecology concerning this application, or interested in the department's action on this application may notify the Department of Ecology in writing within 30 days of the last date of publication of this notice. Comments can be submitted to: Department of Ecology, Water Quality Program, Stormwater Unit - Construction, PO Box 47696, Olympia, WA 98504-7696."

Please note:

- ✓ Ecology is no longer requiring the submittal of the affidavit of publication. However, a typed copy of what will be submitted to the newspaper must be sent along with the NOI. The dates that the first and second public notices will run and the name of the newspaper in which the public notices will appear must also be provided.
- ✓ That state law requires a *30 day* public comment period prior to permit coverage, therefore permit coverage will not be granted sooner than *31 days* after the date of the second public notice. The public notice may be published simultaneously with other notices such as State Environmental Policy Act notices and Shoreline Permit notices, provided the NOI is sent to Ecology on or before the date of the first public notice.

Section X. Regulatory Status

Parts A, B, and C request information on any existing NPDES (including a stormwater permit for industrial activity), State Waste Discharge, individual NPDES permits, and Air permits issued to the facility. In Washington, air emission permits are issued by local agencies or Ecology. They can be referred to by various names such as a permit, an order, or a Notice of Construction. In part D, indicate if your facility has been assigned a State/USEPA Hazardous Waste ID number, and list that number.

Section XI. Certification by Permittee(s)

This section should be read closely by the applicant. The responsible official or authorized representative of the owner must print his or her name for clarity, then sign and date the document. Ecology recommends that the site owner sign the application.

In the case of corporations, the NOI must be signed by a responsible corporate officer or a authorized representative, if such representative is responsible for the overall operation of the site from which the discharge originates.

For a partnership, the NOI must be signed by a general partner.

For a sole proprietorship, the NOI must be signed by the proprietor.

For a municipal, state or other public agency, the NOI must be signed by either a principal executive officer, ranking elected official or other duly authorized employee.

Questions

Questions concerning proper completion of this form may be directed to the Department of Ecology by calling (360) 407-6437 or send email to imat461@ecy.wa.gov.



Application for General Permit to
Discharge Stormwater Associated with
Construction Activity
(Notice of Intent)

☐ Change of Information

Permit # SO3-00 _____

(Please print legibly in ink or type)

Please Read NOI Instructions Before Filling Out This Form

I. Contact Person

(All correspondence will be mailed here)

II. Owner/Representative of Site

Contact Name	Phone No. + Ext	Owner's Name	Phone No. + Ext
Title	Cell No.	Title	
Company		Company Name	
		UBI No.	
Mailing Address		Mailing Address	
City	State Zip + 4	City	State Zip + 4
Email address	Fax No.	Email address	Fax No.

III. Site Location/Address

IV. Billing Address

Site Name	Contact Name	Phone No. + Ext
Street Address (or Location Description)	Title	
	Company Name	
City (or nearest city)	Mailing Address	
County	City	State Zip + 4
Provide legal description if no address for site (attach separate sheet if necessary)		

V. Receiving Water Information (check all that apply)

A. Does your construction site discharge stormwater to:

- ☐ Storm drain system - Owner of storm drain system (name): _____
- ☐ Indirectly or directly to surface waters: ☐ River ☐ Lake ☐ Creek ☐ Estuary ☐ Ocean ☐ Wetland
- ☐ Directly to ground waters of Washington state: ☐ Dry Well ☐ Drainfield ☐ Other

B. Name(s) of receiving water(s): _____

Initial discharge is to an unnamed receiving water? ☐ Yes ☐ No (☐ Ditch ☐ Wetland ☐ Unnamed Stream)

C. Location of discharges. (Use all of the following to identify location of discharge. Attach a supplemental sheet if more than one discharge point and/or numerous receiving waters.):

1. Map enclosed (Mark discharge point on map and provide distance from receiving water.)

2. Specify degrees, minutes, and seconds.

Section: _____ Township: _____ Range: _____

Section: _____ Township: _____ Range: _____

Section: _____ Township: _____ Range: _____

3. Latitude: _____ Longitude: _____

Latitude: _____ Longitude: _____

Latitude: _____ Longitude: _____

List receiving waters.

VI. Construction Activity Information

1. Total size of site: _____ acres Total area to be disturbed: _____ acres How many phases? _____
2. Will any portion of the project be sold to private developers? ☐ Yes ☐ No
3. Projected startup date: _____ Proposed completion date: _____
4. Will there be dewatering activity? ☐ Yes ☐ No If yes, give brief description of location of such activity and how water will be disposed of: _____
5. Check all construction (soil disturbing activities) that applies. Attach a supplemental sheet if necessary

<input type="checkbox"/> Clearing	<input type="checkbox"/> Homes (how many) > Condominiums _____	<input type="checkbox"/> Landscaping	<input type="checkbox"/> Stormwater Facilities
<input type="checkbox"/> Demolition	> Multi-family _____	<input type="checkbox"/> Parks	<input type="checkbox"/> Trails
<input type="checkbox"/> Exporting Soil	> Single-family _____	<input type="checkbox"/> Piping Systems	<input type="checkbox"/> Utilities
<input type="checkbox"/> Filling Wetland	> Town homes _____	<input type="checkbox"/> Retaining Walls	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Grading	<input type="checkbox"/> Importing Soil	<input type="checkbox"/> Roads/Streets	<input type="checkbox"/> Other: _____
	<input type="checkbox"/> Industrial Buildings > Type: _____	<input type="checkbox"/> Stockpiling	<input type="checkbox"/> Other: _____
	> Site: _____		

VII. Stormwater Pollution Prevention Plan (SWPPP)

- A. Best Management Practices (BMPs) (Check all that apply.) Attach supplemental list if needed to include other BMPs.

<input type="checkbox"/> Berms	<input type="checkbox"/> Diverted Flows	<input type="checkbox"/> Plastic Covering	<input type="checkbox"/> Swale
<input type="checkbox"/> Check Dams	<input type="checkbox"/> Hydroseed	<input type="checkbox"/> Polyacrylamides	<input type="checkbox"/> Terracing
<input type="checkbox"/> Chemical Treatment	<input type="checkbox"/> Interceptor Trenches/Ditches	<input type="checkbox"/> Riprap Channel Lining	<input type="checkbox"/> Vegetated Strips
<input type="checkbox"/> Culverts	<input type="checkbox"/> Kiln Dust	<input type="checkbox"/> Sediment Pond	<input type="checkbox"/> Wheel Wash Area
<input type="checkbox"/> Detention Pond	<input type="checkbox"/> Mulching	<input type="checkbox"/> Silt Fencing	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Dikes	<input type="checkbox"/> Nets and Blankets	<input type="checkbox"/> Slope Reduction	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Dust Control	<input type="checkbox"/> Pipes	<input type="checkbox"/> Straw Bales	<input type="checkbox"/> Other: _____
- B. Stormwater Pollution Prevention Plan (SWPPP)

Has a SWPPP been developed that includes a narrative and drawings? ☐ Yes ☐ No

If NO, will a plan be developed prior to the start of construction? ☐ Yes ☐ No

If you answered "NO" to the above question, notify Ecology in writing when a final plan has been developed. A permit will not be issued until a confirmation letter has been received by Ecology. The SWPPP is to be implemented when construction activity commences on your project.

VIII. State Environmental Policy Act (SEPA)

SEPA requirements must be complied with prior to submittal of the stormwater permit application. If exempt, provide documentation that justifies SEPA exemption.

- Has a SEPA review been completed? ☐ Yes ☐ No ☐ Exempt
- Type of SEPA document: ☐ DNS ☐ Final EIS ☐ MDNS
- Agency issuing DNS, Final EIS, or Exemption: _____ Date: _____
- Are you aware of an appeal of the adequacy of the SEPA document? ☐ Yes ☐ No
- If yes, please attach explanatory letter.

SEPA requirements must be complied with prior to permit issuance.

IX. Public Notice

The public notice must be published at least once each week for two consecutive weeks, in a single newspaper of general circulation in the county in which the construction is to take place. See the NOI instructions for the public notice language requirements. Permit coverage will not be granted sooner than 31 days after the date of the second public notice.

Note: Submit the NOI and public notice to Ecology before the date of the first public notice. The NOI and public notice may be faxed to (360) 407-6426 or sent via email to lnat461@ecy.wa.gov. The public notice may also be typed separately as an attachment.

PUBLIC NOTICE

(Name of owner; or name of owner % engineering firm, architect, etc).

(Address of owner or % Representative is seeking coverage under the Washington Department of Ecology's NPDES General Permit for Stormwater Discharges Associated with Construction Activities.

The proposed _____ (Total acres) project, known as _____ (Project name) is located at _____

(Street address, intersection, crossroads, or other descriptive site location) in _____ (Name of nearest city).
Approximately _____ (Number of disturbed acres) will be disturbed for construction of _____

(List all construction activity, e.g., clearing, grading, stockpiling (approx c.y. and location), importing/exporting materials (c.y.), demolition, grading, stormwater facilities, roads, utilities, number buildings/homes and type, sidewalks, landscaping.) Stormwater will be _____

(Brief description of how the stormwater will be cleaned and controlled), prior to discharging _____

(Clarify the direction of the stormwater flows; include distance to receiving waters. List wetlands, unnamed and named receiving waters and storm drains; clarify if buffers will be used to protect sensitive waterbodies.)

Any person desiring to present their views to the Department of Ecology concerning this application may notify Ecology in writing within 30 days from the last date of publication of this notice.

Comments may be submitted to:

Washington Department of Ecology
Water Quality Program
Stormwater Unit - Construction
PO Box 47696
Olympia, WA 98504-7696

Provide the exact dates (mm/dd/yy) that the first and second public notices will appear in the newspaper:

Date of the first notice ____/____/____

Date of second notice ____/____/____

Name of the newspaper which will run the public notices: _____

Ecology is no longer requiring the submittal of the affidavit of publication.

Complete the above public notice information or provide a copy of the notice to be published.

X. Regulatory Status

- ☐ NPDES Permit (e.g., industrial stormwater or individual NPDES) Permit No: SO3 _____ or WA _____
- ☐ State Waste Discharge Permit No (ground discharge): ST _____
- ☐ Air Notice of Construction, Permit, or Order Agency: _____
- ☐ State/USEPA Hazardous Waste ID No: _____

XI. Certification of Permittee(s)

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. The information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Owner/Representative's Printed Name

Title

Owner/Representative's Signature

Date

Sign and return this document to the following address:

Washington Department of Ecology
Water Quality Program
Stormwater Unit - Construction
PO Box 47696
Olympia, WA 98504-7696

For questions, please call (360) 407-6437 or send email to imat461@ecy.wa.gov.

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